

22.1903 Applicability.

(a) This subpart applies to contracts covered by the Service Contract Labor Standards statute ([41 U.S.C. chapter 67](#), formerly known as the Service Contract Act, [subpart 22.10](#)), or the Wage Rate Requirements (Construction) statute ([40 U.S.C. chapter 31, Subchapter IV](#), formerly known as the Davis Bacon Act, [subpart 22.4](#)), that require performance in whole or in part within the United States . When performance is in part within and in part outside the United States, this subpart applies to the part of the contract that is performed within the United States.

(b)

(1) This subpart applies to workers as defined at [22.1901](#). As provided in that definition-

(i) Workers are covered regardless of the contractual relationship alleged to exist between the contractor or subcontractor and the worker;

(ii) Workers with disabilities whose wages are calculated pursuant to special certificates issued under [29 U.S.C. 214\(c\)](#) are covered; and

(iii) Workers who are registered in a bona fide apprenticeship program or training program registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship, or with a State Apprenticeship Agency recognized by the Office of Apprenticeship, are covered.

(2) This subpart does not apply to-

(i) Fair Labor Standards Act (FLSA)-covered individuals performing in connection with contracts covered by the E.O., i.e., those individuals who perform duties necessary to the performance of the contract, but who are not directly engaged in performing the specific work called for by the contract, and who spend less than 20 percent of their hours worked in a particular workweek performing in connection with such contracts;

(ii) Individuals exempted from the minimum wage requirements of the FLSA under [29 U.S.C. 213\(a\)](#) and [214\(a\) and \(b\)](#), unless otherwise covered by the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute. These individuals include but are not limited to-

(A) Learners, apprentices, or messengers whose wages are calculated pursuant to special certificates issued under [29 U.S.C. 214\(a\)](#);

(B) Students whose wages are calculated pursuant to special certificates issued under [29 U.S.C. 214\(b\)](#); and

(C) Those employed in a bona fide executive, administrative, or professional capacity ([29 U.S.C. 213\(a\)\(1\)](#) and 29 CFR part 541); or

(iii) Seasonal recreational services or seasonal recreational equipment rental for the general public on Federal lands, except for lodging and food services associated with seasonal recreational services, in accordance with [Executive Order 13838](#), Exemption from [Executive Order 13658](#) for Recreational Services on Federal Lands (3 CFR, 2018 Comp., p. 831), as implemented by the U.S. Department of Labor regulations at [29 CFR 10.4\(g\)](#).

(c) Agency Labor Advisors, as defined at [22.001](#), are listed at <http://wdol.gov>, and are available to provide guidance and assistance with the application of this subpart.

Parent topic: [Subpart 22.19 - Establishing a Minimum Wage for Contractors](#)